UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,804	08/04/2003	Michael C. Robinson	200207438-1	7237

22879   7590   06/17/2008
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ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
06/17/2008	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/633,804
Filing Date: August 04, 2003
Appellant(s): ROBINSON ET AL.

_____

Michael C. Robinson et al.
For Appellant

EXAMINER'S ANSWER

      This is in response to the appeal brief filed 27 March 2008 appealing from the Office action

mailed 12 September 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

      6950864   TSUCHIYA   07-2000

      Mauro et al, "Essential SNMP," published on 15 October 2001.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Objections

1.   The amendment filed 15 August 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: a method "wherein the agent is distinct from the restricted intermediate database and the database of interest."

      Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   **Claims 1-17 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya (U.S. Patent No. 6,950,864, hereinafter referred to as TSUCHIYA), filed on 27 July 2000, and issued on 27 September 2005, in view of Essential SNMP, by Douglas Mauro et al, and published on 15 October 2001, and in further view of Official Notice.

      TSUCHIYA differs from the claimed invention in that it fails to expressly disclose a method wherein creating an object uses a SET command.

MAURO discloses a NMS which processes a SET command to change the value of a managed

object or to create a new row in a table.

4.   **As per independent claims 1, 15 and 21**, TSUCHIYA, in combination with MAURO and

Official Notice, discloses:

A method for accessing a database of interest {See MAURO, Section 1.4, wherein this reads over
"[t]he Management Information Base (MIB) can be thought of as a database of managed objects that the agent tracks"},
the method comprising:

> a management application {See MAURO, Chapter 5, wherein this reads over "Network-
> Management Software"} creating a first object for indicating a unique identifier identifying a
> data item {See TSUCHIYA, Fig. 5, Element 20a; and col. 4, lines 29-44, wherein this reads over "the field of
> the SNMP command is constituted so as to include a command type, a request index, and a management
> object identifier"; "command type specifies one of commands such as GET . . . SET"; and "management object
> identifier specifies a device address and a management object referred to by the command"} wherein said
> creating said first object uses a first SET command {See MAURO, Section 2.6.4, wherein this reads
> over "[t]he set command is used to change the value of a managed object or to create a new row in a table"};

> an agent {See TSUCHIYA, col. 1, lines 13-18, wherein this reads over "a management object
> process unit incorporated in the managed device as an agent"} storing said unique identifier in a
> restricted intermediate database {See TSUCHIYA, col. 2, lines 13-14, wherein this reads over "a
> memory section for storing the management object collected from the managed device"} which is distinct
> from the database of interest and to which access is unavailable with the management
> application {See TSUCHIYA, col.5, lines 44-55, wherein this reads over "the table managing section 22 refers
> to the management table 20 to determine the type classified by the classification data for the management
> object identified based on the management object identifier taken out by the command analyzing section"},
> wherein the agent is distinct from the restricted intermediate database and the database
> of interest;

> said management application creating a second object {See TSUCHIYA, Fig. 5, Element
> 20a; and col. 4, lines 29-44, wherein this reads over "the field of the SNMP command is constituted so as to
> include a command type, a request index, and a management object identifier"; "command type specifies one
> of commands such as GET . . . SET"; and "management object identifier specifies a device address and a
> management object referred to by the command"} for indicating a data type for said data item {See
> TSUCHIYA, Fig. 5, Element 20d}, said creating said second object including use of a second
> SET command {See MAURO, Section 2.6.4, wherein this reads over "[t]he set command is used to change
> the value of a managed object or to create a new row in a table"};

> said agent {See TSUCHIYA, col. 1, lines 13-18, wherein this reads over "a management object
> process unit incorporated in the managed device as an agent"} storing said data type in said
> restricted intermediate database {See TSUCHIYA, col. 2, lines 13-14, wherein this reads over "a
> memory section for storing the management object collected from the managed device"};

> said management application creating a third object {See TSUCHIYA, Fig. 5, Element
> 20a; and col. 4, lines 29-44, wherein this reads over "the field of the SNMP command is constituted so as to
> include a command type, a request index, and a management object identifier"; "command type specifies one
> of commands such as GET . . . SET"; and "management object identifier specifies a device address and a
> management object referred to by the command"} for indicating an action to be performed on said
> data item with respect to the database of interest {See MAURO, Section 2.6.4, wherein this reads

over "[t]he s tells snmpset that we want to set the value of sysLocation to a string"}, said creating said third object including use of a third SET command {See MAURO, Section 2.6.4, wherein this reads over "[t]he set command is used to change the value of a managed object or to create a new row in a table"};

said agent issuing an action command to perform said action {See TSUCHIYA, col. 1, lines 26-29, wherein this reads over "[t]he agent . . . transmits a response for the request in the form of the SNMP command to the manager"}, wherein said agent uses said stored unique identifier, said stored data type, and said action {See TSUCHIYA, Fig. 5, Element 20a; and col. 4, lines 29-44, wherein this reads over "the field of the SNMP command is constituted so as to include a command type, a request index, and a management object identifier"};

said agent receiving a response to said action command from the database of interest {See MAURO, Section 1.4, wherein this reads over "RDBMS MIB"; and Section 2.6.4, wherein this reads over "run a final smpget, which tells us that the set actually took effect"} and sending said response to said management application {See MAURO, Section 2.6.4, Figure 2-8, wherein this reads over "the agent performs the set and returns a noError response to the NMS"}.

The Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art that a managed device or object, as disclosed by both TSUCHIYA and MAURO, would include a database. That is, while TSUCHIYA and MARUO may not expressly disclose that the managed device or object is a database, it would have been obvious and widely-known to those of ordinary skill in the art that a database would qualify as a managed device or object.

Additionally, while TSUCHIYA teaches the use of an agent and certain SNMP commands directed toward a management object, MAURO teaches the specific use of "set" and "get" Operations. Therefore, since the prior art MAURO further discloses the details of issuing an SNMP command and the MIB structure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by TSUCHIYA by combining it with the invention disclosed by MAURO. The results of this combination would lead to the method for a management application (i.e. Network Management Software) accessing a database by means of an agent which stores a unique identifier and data type in a restricted intermediate database.

Additionally, with respect to the amendment which recites a limitation that has the agent "receiving said unique identifier (also said data type and said action) from said management application" wherein the received data is stored in a restricted intermediate database "distinct from the database of interest," TSUCHIYA discloses a network management system wherein "the MIB processing section

collects a management object . . . from the managed device 13 and processes the management object

into an MIB format" {See TSUCHIYA, C4:L45-57}. Furthermore, "[t]he object managing section 19

manages the management object collected" and stores the received data in a management table which is

"composed of the management object identifier, the management object collection time, the collected

management object, and classification data" {See TSUCHIYA, C5:L3-5 and 61-65}. Therefore, one of

ordinary skill in the art at the time the invention was made would correlate the aforementioned prior art

with the present invention such that the data would be stored in a restricted intermediate database (i.e.

the management table) distinct from the database of interest (i.e. the managed database device).

One of ordinary skill in the art would have been motivated to do this modification so that

SNMP may be used in accessing restricted management objects.

5.   **As per dependent claims 2 and 12**, TSUCHIYA, in combination with MAURO and Official

Notice, discloses:

> The method recited in claim 1, wherein said response indicating success is said
> data item {See MAURO, Section 2.6.4, wherein this reads over "the snmpset command succeeds and reports
> the new value of sysLocation"}.

6.   **As per dependent claims 3 and 13**, TSUCHIYA, in combination with MAURO, discloses:

> The method recited in claim 1, wherein said response indicating failure is an
> error message {See MAURO, Section 2.6.4, wherein this reads over "[the agent] performs other checks
> and, if any of them fail, returns a get-response with the appropriate error code"}.

7.   **As per dependent claims 4, 8, and 16,** TSUCHIYA, in combination with MAURO and

Official Notice, discloses:

> The method recited in claim 1, wherein said action is a returning to said
> management application of said data item from the database of interest, and said action
> command is a GET command {See MAURO, Section 2.6.4, wherein this reads over "run a final snmpget,
> which tells us that the set actually took effect"}.

8.   **As per dependent claims 5, 9, and 17,** TSUCHIYA, in combination with MAURO and

Official Notice, discloses:

> The method recited in claim 1, wherein said action is a storing of said data item
> in the database of interest {See MAURO, Section 2.6.4, wherein this reads over "[t]he set command is
> used to change the value of a managed object or to create a new row in a table"};

said action command is a fourth SET command {See MAURO, Section 2.6.4, wherein this reads over "[t]he set command is used to change the value of a managed object or to create a new row in a table"}; and

further comprising: said management application creating a fourth object for indicating an actual value of said data item to be stored in the database of interest {See MAURO, Section 2.6.4, wherein this reads over "s tells snmpset that we want to set the value of sysLocation to a string; and 'Atlanta, GA' is the new value itself"}.

9.   **As per dependent claims 6 and 14**, TSUCHIYA, in combination with MAURO and

Official Notice, discloses:

The method recited in claim 1, wherein the database of interest is a restricted database {See MAURO, Section 1.4, wherein this reads on "a proprietary MIB"; and Section 2.6.4, wherein this reads over "[o]bjects that are defined in the MIB as read-write or write-only can be altered or created using this command"}.

10.   **As per independent claim 7**, TSUCHIYA, in combination with MAURO and Official Notice,

discloses:

An apparatus for accessing a database of interest, the apparatus comprising:

a first network device providing a management application {See MAURO, Section 2.6.4, wherein this reads over "NMS"};

a second network device {See MAURO, Section 1.4, wherein this reads over "RDBMS MIB"} operatively coupled to said first network device; and

an agent configured {See TSUCHIYA, col. 1, lines 13-18, wherein this reads over "a management object process unit incorporated in the managed device as an agent"} to monitor said second network device {See MAURO, Section 1.4, wherein this reads over "RDBMS MIB"};

wherein said management application of said first network device is configured to:

create a first object for indicating a unique identifier for a data item {See TSUCHIYA, Fig. 5, Element 20a; and col. 4, lines 29-44, wherein this reads over "the field of the SNMP command is constituted so as to include a command type, a request index, and a management object identifier"; "command type specifies one of commands such as GET . . . SET"; and "management object identifier specifies a device address and a management object referred to by the command"} using a first SET command {See MAURO, Section 2.6.4, wherein this reads over "[t]he set command is used to change the value of a managed object or to create a new row in a table"},

create a second object {See TSUCHIYA, Fig. 5, Element 20a; and col. 4, lines 29-44, wherein this reads over "the field of the SNMP command is constituted so as to include a command type, a request index, and a management object identifier"; "command type specifies one of commands such as GET . . . SET"; and "management object identifier specifies a device address and a management object referred to by the command"} for indicating a data type for said data item {See TSUCHIYA, Fig. 5, Element 20d} using a second SET command {See MAURO, Section 2.6.4, wherein this reads over

"[t]he set command is used to change the value of a managed object or to create a new row in a table"},

create a third object{See TSUCHIYA, Fig. 5, Element 20a; and col. 4, lines 29-44, wherein this reads over "the field of the SNMP command is constituted so as to include a command type, a request index, and a management object identifier"; "command type specifies one of commands such as GET . . . SET"; and "management object identifier specifies a device address and a management object referred to by the command"}, using a third SET command {See MAURO, Section 2.6.4, wherein this reads over "[t]he set command is used to change the value of a managed object or to create a new row in a table"}, for indicating an action to be performed on said data item with respect to the database of interest{See MAURO, Section 2.6.4, wherein this reads over "[t]he s tells snmpset that we want to set the value of sysLocation to a string"}, and

receive a response to an action command to perform said action {See MAURO, Section 2.6.4, wherein this reads over "[the agent] performs other checks and, if any of them fail, returns a get-response with the appropriate error code"}; and

wherein said agent is further configured to:

receive said unique identifier from said first network device and store said unique identifier in a restricted intermediate database {See TSUCHIYA, col. 2, lines 13-14, wherein this reads over "a memory section for storing the management object collected from the managed device"} which is distinct from the database of interest and to which access is unavailable with the management object {See TSUCHIYA, col.5, lines 44-55, wherein this reads over "the table managing section 22 refers to the management table 20 to determine the type classified by the classification data for the management object identified based on the management object identifier taken out by the command analyzing section"},

receive said data type from said first network device and store said data type in said restricted intermediate database {See TSUCHIYA, col. 2, lines 13-14, wherein this reads over "a memory section for storing the management object collected from the managed device"},

receive said action from said first network device and issue said action {See TSUCHIYA, col. 1, lines 26-29, wherein this reads over "[t]he agent . . . transmits a response for the request in the form of the SNMP command to the manager"} command using said stored unique identifier, said stored data type, and said action {See TSUCHIYA, Fig. 5, Element 20a; and col. 4, lines 29-44, wherein this reads over "the field of the SNMP command is constituted so as to include a command type, a request index, and a management object identifier"},

receive said response from the database of interest {See MAURO, Section 1.4, wherein this reads over "RDBMS MIB"; and Section 2.6.4, wherein this reads over "run a final smpget, which tells us that the set actually took effect"}, and

send said response to said first network device {See MAURO, Section 2.6.4, Figure 2-8, wherein this reads over "the agent performs the set and returns a noError response to the NMS"}.

> > wherein said agent is distinct from the restricted intermediate database and the database of interest.

The Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art that a managed device or object, as disclosed by both TSUCHIYA and MAURO, would include a database. That is, while TSUCHIYA and MARUO may not expressly disclose that the managed device or object is a database, it would have been obvious and widely-known to those of ordinary skill in the art that a database would qualify as a managed device or object.

While TSUCHIYA teaches the use of an agent and certain SNMP commands directed toward a management object, MAURO teaches the specific use of "set" and "get" Operations. Therefore, since the prior art MAURO further discloses the details of issuing an SNMP command and the MIB structure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by TSUCHIYA by combining it with the invention disclosed by MAURO. The results of this combination would lead to the method for a management application (i.e. Network Management Software) accessing a database by means of an agent which stores a unique identifier and data type in a restricted intermediate database.

Additionally, with respect to the amendment which recites a limitation that has the agent "receiving said unique identifier (also said data type and said action) from said management application" wherein the received data is stored in a restricted intermediate database "distinct from the database of interest," TSUCHIYA discloses a network management system wherein "the MIB processing section collects a management object . . . from the managed device 13 and processes the management object into an MIB format" {See TSUCHIYA, C4:L45-57}. Furthermore, "[t]he object managing section 19 manages the management object collected" and stores the received data in a management table which is "composed of the management object identifier, the management object collection time, the collected management object, and classification data" {See TSUCHIYA, C5:L3-5 and 61-65}. Therefore, one of ordinary skill in the art at the time the invention was made would correlate the aforementioned prior art

with the present invention such that the data would be stored in a restricted intermediate database (i.e.

the management table) distinct from the database of interest (i.e. the managed device).

One of ordinary skill in the art would have been motivated to do this modification so that

SNMP may be used in accessing restricted management objects.

11.   **As per dependent claim 10**, TSUCHIYA, in combination with MAURO and Official Notice,

discloses:

> The apparatus recited in claim 7, wherein said first network device is a network
> management station {See MAURO, Section 2.6.4, wherein this reads over "NMS"}.

12.   **As per dependent claim 11**, TSUCHIYA, in combination with MAURO and Official

Notice, discloses:

> The apparatus recited in claim 7, wherein said second network device is a
> monitored device {See MAURO, Section 1.4, wherein this reads over "RDBMS MIB"}.

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they

have been withdrawn by the examiner: New matter objections of claims 1, 7, 15, and 21.

(10) Response to Argument

Rejection of claims 1-17 and 21 under 35 U.S.C. 103(a)

Appellant asserts the argument that the combination of the cited prior art references fail

to disclose a method, apparatus, and computer-readable medium for accessing a database of

interest. See Appeal Brief, page 8. Specifically, Appellant asserts the argument that the

Tsuchiya reference fails to disclose the limitation of "wherein the agent is distinct and separate

from the restricted intermediate database and the database of interest." See Appeal Brief, page

9. The Examiner respectfully disagrees in that the management table 20 and manage section 22

of Tsuchiya reference are distinct from the agent, wherein the agent is a software application

used in the management of said management table 20 and manage section 22.   While Appellant

infers the argument that that the "agent" is a network device in itself, it is noted that under the

broadest reasonable interpretation, an agent need not be a hardware entity but may instead be a

software entity, as it is generally construed in the art. Furthermore, it is noted that the Appellant

discloses that the agent "is an agent software program 46 [that] is programmed to monitor the

second network device." See Specification, page 3, lines 12-24. Accordingly, it is noted that

while the management table 20 and table managing section 22 are both part of the object

manage section 19, which is part of the control processing section 17 of the SNMP agent, the

agent software for receiving data from the management application remains distinct and

separate from the management table. That is, the agent remains distinct and separate from the

restricted intermediate database and the database of interest because the agent software for

receiving data from the management application (i.e. the agent) is a software application which

resides on an application layer that controls the management table 20 and the table managing

section 22 (i.e. the databases). The Examiner notes that said agent software is "distinct and

separate" in that said agent software is not integrated into either the restricted intermediate

database and the database of interest, but instead is found in the application layer which

overlooks the interaction between the management application and the restricted intermediate

database and the database of interest. As further evidenced by Figure 3 of Appellant's

disclosure, an agent software (i.e. an Agent monitoring a Second Network Device) may indeed be

distinct and separate since it may reside and act independently on an application layer.

Furthermore, it is noted that Appellant's disclosure fails to preclude the situation wherein the

Agent Monitoring Software, the Database of Interest, and Restricted Intermediate Database are

found on the same network device.

     Accordingly, the Examiner maintains the claim rejections under 35 U.S.C. 103(a) as the

agent software for receiving data from the management application (i.e. the agent) is an entity in

itself that resides on an application layer which is "distinct and separate" from the

aforementioned databases.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals

and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Paul Kim/

Conferees:

/Hosain T Alam/

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Supervisory Patent Examiner, Art Unit 2169